

International Helsinki Federation statement on death penalty in Central Asia

The IHF welcomes changes in the approach to the question of death penalty in Central Asia countries.

All countries understand the necessity of the full abolition of death penalty and respective changes of legislation and generally of the whole law enforcement structure to create the atmosphere of inadmissible arbitrary putting to death. Generally the capital punishment is used now for fewer crimes as several years ago.

This issue is discussed publicly and the states did some steps in this direction to change the public opinion also.

There are some common problems that must be solved in all CA states to come closer to the full abolition of DP:

- to make constitutional changes;
- to put through judicial reforms;
- to create appropriate conditions in prison for the convicted to long and life terms and more widely use alternative punishment.

Each country will have its own approach to these questions and each country has to go own way to this goal.

The IHF would like to submit the following recommendations.

Tajikistan:

1. the soonest ratification of the second optional protocol to the ICPPR;
2. ratification of the optional protocol to the Convention against torture and other cruel, inhumane and degrading punishments;
3. strict and immediate implementation of the international standards in human rights and adjusting the national legislation to the international norms;
4. create an effective mechanism of appeal of the illegal actions of investigation and interrogation bodies and courts;
5. publish all information on the questions of death penalty use (number of executed, places of burial, etc)

Uzbekistan:

1. publish the number of executed persons in Uzbekistan and of inmates still on death row and open the burial places;
2. to ensure that current prisoners on death row are not be executed and their verdicts will be reviewed according to the law on legal abolition of death penalty from 29.07.07;
3. to review the cases individually before 01.01.2008 and make the procedure public and open to the civil society;
4. give access to the places of detention to the international observers, including ICRC and "Doctors without borders";
5. control and provide medical aid to all ill prisoners to avoid the forcible contamination by mortal diseases, and prisoners with such diseases to release from places of detention;
6. provide independent psychiatric expertise for investigators and police officers who have facts of torture or death of suspected in their files;
7. investigate immediately all facts of torture and death during investigation, in pre trial cells and in places of detention; to institute criminal proceeding against police officers guilty in these facts under article 235 and 97 CC RU;

8. to fulfill all UN recommendations on complains registered and decided in the UN committee for human rights.

Kazakhstan:

1. sign and ratify the Second Optional Protocol to the ICCPR, excluding death penalty in any case (with possible reservation only for time of war), also adopting the necessary amendments to the Constitution;
2. ratify the Optional Protocol to the UN Convention against Torture and the First Optional Protocol to the ICCPR;
3. further improve the prison conditions, with particular regard to the construction of a special colony for persons attending life term;
4. guarantee the effective independence and impartiality of the judiciary;
5. properly investigate all alleged cases of suicide and self mutilation among the prisoners;

Kyrgyzstan:

1. to review all the cases of persons sentenced to death individually and make the procedure public and open to the civil society;
2. to allow public access to all information related to death penalty cases;
3. to improve and humanize the prison conditions, currently very poor and often unbearable;
4. to provide proper medical aid to all ill prisoners;
5. to investigate immediately all facts of torture and death during investigation, in pre trial cells and in places of detention;
6. to investigate immediately all allegations of corruption in the judiciary and in the prison administration.